

ITEM NO.7

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).426/2021

IN RE VIOLENCE IN LAKHIMPUR KHERI (UP) LEADING TO LOSS OF LIFE

(LETTER PETITION BY MR. SHIV KUMAR TRIPATHI, ADVOCATE)

Date : 26-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MS. JUSTICE HIMA KOHLI

For Appearing parties

For State of U.P. Mr. Harish Salve, Sr.Adv.
Ms. Garima Prashad, AAG
Ms. Ruchira Goel, AOR
Mr. Shantanu Singh, Adv.

Mr. Shiv Kumar Tripathi, Adv.

Mr. Agnish Aditya, Adv.

For Intervenor(s) Mr. Harshvir Pratap Sharma, Sr.Adv.
Ms. Astha Tyagi, AOR
Mr. Dinesh Chander Trehan, Adv.
Mr. Vyom Chaturvedi, Adv.

Mr. Arun Bhardwaj, Sr.Adv.

Mr. Abhishek Sharma, Adv.

Mr. Ronak Karanpuria, Adv.

Dr. A.P.Singh, Adv.

Mr. V.P. Singh, Adv.

Ms. Geeta Chauhan, Adv.

Mr. Sadashiv, AOR

Mr. Jai Gopal Saboo, Adv.

Mr. Sharwan Kumar Goyal, Adv.

By Courts Motion

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Harish Salve, learned senior counsel along with Ms. Garima Prashad, learned Additional Advocate General appearing on behalf of the State of Uttar Pradesh.

In compliance of Order dated 20.10.2021, the State of Uttar Pradesh has filed the Status Report in sealed cover. The same is taken on record. In the said Report, different developments and steps taken by the Investigating Agency have been explained, which does not need any further elaboration in the instant order.

However, after perusing the said Report, we are as of now concerned with two issues. One is about the delay in getting all the reports by the State Government from the forensic laboratories. In this regard, we direct the State Government to make a request to the concerned forensic laboratories to provide all the reports to it as early as possible.

The second issue is that of protection of witnesses. Even though we have orally directed to provide protection to all the witnesses and the State has also taken some steps to do the needful yet to get out of the procedural formalities, we direct the State Government to provide protection to all the witnesses as per the Witness Protection Scheme, 2018.

Today, during the course of hearing, Mr. Harish Salve, learned senior counsel submits that out of 68 witnesses, the statements of 30 witnesses have been recorded under Section 164 of the Code of Criminal Procedure, 1973.

Taking note of the submission made by the learned senior counsel, we further direct the State Government to expedite the recording of statements of some more witnesses under Section 164 of the Code of Criminal Procedure, 1973, who are relevant to be enquired about the alleged incident. If the State Government feels any difficulty due to non-availability of judicial officers, we direct the concerned District Judge to entrust this task of recording of statements of these witnesses to any nearest Magistrate.

Mr. Arun Bhardwaj, learned senior counsel appearing on behalf of the intervenor/impleader expressed his grievance about

the non-investigation of the complaint made by Rubi Devi widow of Shyam Sunder. Similarly, Mr. Harshvir Pratap Sharma, learned senior counsel also expressed his grievance about one of the journalist - Mr. Kashyap, who is killed in the alleged incident. We direct the State Government to submit a Status Report in respect of these two persons also.

List the matter on 08.11.2021.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)